



**Rules of
Department of Insurance
Division 800—General Counsel
Chapter 2—Miscellaneous**

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Title 20—DEPARTMENT OF INSURANCE

**Division 800—General Counsel
Chapter 2—Miscellaneous**

20 CSR 800-2.010 Service of Process

PURPOSE: This rule specifies procedures for service of process on insurance companies. It was adopted pursuant to the provisions of section 374.045, RSMo (1986) and in order to implement sections 375.256, 375.261, 375.281, 375.906 and 379.680, RSMo (1986).

(1) Service on Authorized Foreign and Alien Insurers.

(A) Service of process on foreign and alien insurance companies authorized to do business in this state is made by delivery to the director, deputy director or chief clerk of two (2) copies of the summons and two (2) copies of the petition by the sheriff of Cole County, Missouri or the United States Marshal's Office (section 375.906, RSMo (1986)).

(B) Upon receipt of service, the chief clerk shall forward one (1) copy by first-class mail to the secretary of the defendant insurer and retain one (1) copy for filing with the department (see Exhibit A.)

(C) All service fees must be forwarded with the summons to the sheriff of Cole County, Missouri. The department will bill plaintiff's attorneys twenty cents (20¢) per page for copying the summons and petitions when an insufficient number of copies are received.

(D) No notice is given to the clerk of the court of the forwarding of the service of process.

(2) Service on Unauthorized Foreign Companies.

(A) Service of process on foreign companies not authorized to do business in this state amenable to service in this state shall be made in the same manner as subsection (1)(A).

(B) Upon receipt of service, the chief clerk will forward one (1) copy to the insurer by certified mail, return receipt requested. Upon return of the receipt, the chief clerk will send the return receipt to the clerk of the court from which service was issued along with a certificate of service. The clerk will receive a statement of costs incurred by the department (sections 375.256 and 375.261, RSMo (1986)).

(C) The insurance company will be required to either post a bond or obtain a certificate of authority as required by section 375.281, RSMo (1986). A Notice of Bond Requirement will be sent to the insurance company with a copy to the clerk of the court (see Exhibit B).

(3) Service on Reciprocal or Interinsurance Exchanges. Service of process on reciprocal or interinsurance exchanges organized under Missouri law shall be made by delivery of three (3) copies of the summons and petition to the director by the sheriff of Cole County, Missouri or the United States Marshal's Office. The chief clerk of the Department of Insurance shall forward one (1) copy to the company, retain one (1) copy and return one (1) copy with his/her admission of service to the clerk of the court (section 379.680, RSMo (1986)). The department will bill the plaintiff's attorney at the rate of twenty cents (\$.20) for copying the summons and petition when an insufficient number of copies are submitted.

(4) Service on Domestic Companies and Health Service Corporations. Service on insurance companies incorporated under the laws of this state and all health service corporations (Chapter 345, RSMo), is made in the same manner as service on any other Missouri corporation pursuant to Missouri Supreme Court Rule 54.01.

(5) Fair Plan. Service on the Missouri Property Insurance Placement Facility is accomplished by service on the manager of the facility.

(6) Misstatement of Name of Insurer. Whenever the Department of Insurance is unable to determine the defendant in an action due to a misstatement of the name of the insurer, all papers will be returned to the clerk of the court issuing service. Attorneys should state the complete name of the insurer due to the similarity in names of many companies.

(7) Service of Supplementary Pleadings. Only initial service of process upon the director is provided for by statute. Service of supplementary pleadings such as answers, replies, motions, discovery and ancillary pleadings will not be accepted by the department.

Auth: sections 374.045, 375.256, 375.261, 375.281, 375.906 and 379.680, RSMo (1986). This rule was previously filed as 4 CSR 190-10.070. Original rule filed Aug. 5, 1974, effective Aug. 15, 1974. Amended: Filed Sept. 5, 1975, effective Sept. 15, 1975.

EXHIBIT A

**Missouri Department of Insurance
Notice Of Service**

To The Secretary of:

At _____ m. on the _____ day of _____,
19____.

Service was made in the case of:
Plaintiff _____
Defendant _____

Court of _____
County. Case No. _____
By: _____
Deputy Sheriff, Cole County, Missouri

In accordance with section 375.906, RSMo (1986), Supreme Court Rule 54.18 and your appointment of the director of insurance to receive service for your company.

Chief Clerk

EXHIBIT B

**Missouri Department of Insurance
Notice Of Bond Requirement**

To: _____
Case No. _____

Plaintiff, _____

Defendant. _____

You are hereby notified that before you may file any pleading in this matter you must:

(1) Deposit with the clerk of the court in which the action, suit or proceedings is pending, cash or securities, or shall file with the clerk a bond with good and sufficient sureties to be approved by the court, in any amount to be fixed by the court sufficient to secure the payment of any final judgment which may be rendered against it in the action, together with costs thereof; provided, however, that the court, in its discretion, may make an order dispensing with the deposit or bond where the insurer makes a showing satisfactory to the court that it maintains in a state of the United States funds or securities, in trust or otherwise, sufficient and available to satisfy any final judgment which may be entered in the action, suit or proceedings; or

(2) Procure a certificate of authority to transact the business of insurance in this state. All by authority of Sections 375.281 and 375.286, RSMo (1986).

Director _____

cc: Clerk of Court